

AN ORDINANCE authorizing the City of Fort Wayne to make temporary loans for the use of the General Fund, the Park District Fund, the Police Pension Fund, and the Firemen's Pension Fund, in calendar year 1987 in anticipation of current taxes levied in the year 1986 and collectible in the year 1987; authorizing the issuance of tax anticipation time warrants of the City to evidence those loans; pledging and appropriating the taxes to be received in those Funds to the payment of those tax anticipation time warrants including the interest thereon; and fixing a time when this Ordinance shall take effect.

WHEREAS, the City Controller has represented and the Common Council now finds that there will be insufficient moneys in the City's General Fund to meet the current expenses of the City payable from that Fund prior to the 1987 distribution of taxes levied for the General Fund; and

WHEREAS, the 1987 distribution of taxes to be collected for the General Fund will amount to more than \$4,000,000 plus the interest cost of that temporary loan for the General Fund; and

WHEREAS, the Board of Park Commissioners for this City has represented and the Common Council now finds that there will be insufficient moneys in the Park General Fund to meet the current expenses of the Park District payable from that Fund prior to 1987 distribution of taxes levied for the Park General Fund; and

WHEREAS, the 1987 distribution of taxes to be collected for the Park General Fund will amount to more than \$350,000 plus the interest cost of that temporary loan for the Park District General Fund; and

WHEREAS, the Board of Trustees of the Fort Wayne Police Pension Fund has represented and the Common Council now finds that there will be insufficient moneys in the Police Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other benefits payable from that Fund prior to the 1987 distribution of taxes levied for the Police Pension Fund; and

WHEREAS, the 1987 distribution of taxes collected for the Police Pension Fund will amount to more than \$550,000 plus the interest cost of that temporary loan for the Police Pension Fund; and

WHEREAS, the Board of Trustees of the Fort Wayne Firemen's Pension Fund has represented and the Common Council now finds that there will be in-

sufficient moneys in the Firemen's Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other benefits payable from that Fund prior to the 1987 distribution of taxes levied for the Firemen's Pension Fund; and

WHEREAS, the 1987 distribution of taxes collected for the Firemen's Pension Fund will amount to more than \$550,000 plus the interest cost of that temporary loan for the Firemen's Pension Fund; and

WHEREAS, this Common Council hereby finds, determines and declares that it is necessary and proper for the City to make temporary loans for those Funds in anticipation of current tax revenues to be received by those Funds, being taxes which have been levied and are being collected in calendar year 1987; now, therefore:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. The City of Fort Wayne is authorized to borrow, on a temporary loan for the use and benefit of the General Fund of the City, the amount of Four Million Dollars (\$4,000,000) in anticipation of current tax revenues which have been levied and are being collected for said Fund in and for the fiscal year 1987, and to issue tax anticipation time warrants of the City to evidence that loan bearing interest at a rate or rates per annum not to exceed a maximum rate of ten per centum (10%) per annum, with that rate or those rates of interest to be determined by competitive bidding at advertised public sale as hereinafter provided. Those warrants shall be issued on the terms and conditions as provided herein and the interest accruing on the warrants to their date of maturity shall be added to and included in the face value of the warrants. Those warrants, including interest thereon, shall be payable from the General Fund and there is hereby appropriated and pledged to the payment of those warrants a sufficient amount of the current tax revenues to be received in said General Fund from the 1987 distribution of taxes for the General Fund to the "General Fund 010, Account No. 2020 - Tax Anticipation Warrants Payable" for the payment of the principal of the warrants evidencing such temporary loan, and to the "General Fund 010, City Controller Department 002, Account No. 4382 - Payment of Interest" for the payment of the interest on the warrants evidencing such temporary loan.

SECTION 2. The City of Fort Wayne is authorized to borrow, on a temporary loan for the use and benefit of the Park General Fund of the City, the amount of Three Hundred Fifty Thousand Dollars (\$350,000) in anticipation of current tax revenues which have been levied and are being collected for said Fund in and for the fiscal year 1987, and to issue tax anticipation time warrants of the City to evidence that loan bearing interest at a rate or rates per annum not to exceed a maximum rate of ten per centum (10%) per annum, with that rate or those rates of interest to be determined by competitive bidding at advertised public sale as hereinafter provided. Those warrants shall be issued on the terms and conditions as provided herein and the interest accruing on the warrants to their date of maturity shall be added to and included in the face value of the warrants. Those warrants, including interest thereon, shall be payable from the Park General Fund and there is hereby appropriated and pledged to the payment of those warrants a sufficient amount of the current tax revenues to be received in said Park General Fund from the 1987 distribution of taxes for the Park General Fund to the "Park General Fund 121, Account No. 2020 - Tax Anticipation Warrants Payable" for the payment of the principal of the warrants evidencing such temporary loan, and to the "Park General Fund 121, Park Department 121, Account No. 4382 - Payment of Interest" for the payment of the interest on the warrants evidencing such temporary loan.

SECTION 3. The City of Fort Wayne is authorized to borrow, on a temporary loan for the use and benefit of the Police Pension Fund of the City, the amount of Five Hundred Fifty Thousand Dollars (\$550,000) in anticipation of current tax revenues which have been levied and are being collected for said Fund in and for the fiscal year 1987, and to issue tax anticipation time warrants of the City to evidence that loan bearing interest at a rate or rates per annum not to exceed a maximum rate of ten per centum (10%) per annum, with that rate or those rates of interest to be determined by competitive bidding at advertised public sale as hereinafter provided. Those warrants shall be issued on the terms and conditions as provided herein and the interest accruing on the warrants to their date of maturity shall be added to and included in the face value of the warrants. Those warrants, including interest there-

on, shall be payable from the Police Pension Fund and there is hereby appropriated and pledged to the payment of those warrants a sufficient amount of the current tax revenues to be received in said Police Pension Fund from the 1987 distribution of taxes for the Police Pension Fund to the "Police Pension Fund 141, Account No. 2020 - Tax Anticipation Warrants Payable" for the payment of the principal of the warrants evidencing such temporary loan, and to the "Police Pension Fund 141, Police Pension Department 441, Account No. 4382 - Payment of Interest" for the payment of the interest on the warrants evidencing such temporary loan.

SECTION 4. The City of Fort Wayne is authorized to borrow, on a temporary loan for the use and benefit of the Firemen's Pension Fund of the City, the amount of Five Hundred Fifty Thousand Dollars (\$550,000) in anticipation of current tax revenues which have been levied and are being collected for said Fund in and for the fiscal year 1987, and to issue tax anticipation time warrants of the City to evidence that loan bearing interest at a rate or rates per annum not to exceed a maximum rate of ten per centum (10%) per annum, with that rate or those rates of interest to be determined by competitive bidding at advertised public sale as hereinafter provided. Those warrants shall be issued on the terms and conditions as provided herein and the interest accruing on the warrants to their date of maturity shall be added to and included in the face value of the warrants. Those warrants, including interest thereon, shall be payable from the Firemen's Pension Fund and there is hereby appropriated and pledged to the payment of those warrants a sufficient amount of the current tax revenues to be received in said Firemen's Pension Fund from the 1987 distribution of taxes for the Firemen's Pension Fund to the "Firemen's Pension Fund 140, Account No. 2020 - Tax Anticipation Warrants Payable" for the payment of the principal of the warrants evidencing such temporary loan, and to the "Firemen's Pension Fund 140, Firemen's Pension Department 440, Account No. 4382 - Payment of Interest" for the payment of the interest on the warrants evidencing such temporary loan.

SECTION 5. The tax anticipation time warrants herein authorized for the General Fund, Park General Fund, Police Pension Fund and Firemen's Pension Fund (collectively herein referred to as the "Warrants") shall be issued in

the aggregate principal amounts set forth in Sections 1, 2, 3 and 4 hereof; shall be dated the date of their issuance; shall mature on June 15, 1987; shall be issued in bearer form in such denominations as shall be requested by the original purchaser or original purchasers and approved by the City Controller, provided that the entire principal amount of any such borrowing may be represented by a single warrant; and shall be numbered as determined by the City Controller. The Warrants shall be executed in the name of the City of Fort Wayne by the Mayor, countersigned by the City Controller, and the corporate seal of the City shall be affixed thereto and attested by the City Clerk, provided, however, that all but one of those signatures may be facsimiles, and they shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

SECTION 6. The principal of and interest on the Warrants shall be payable, without deduction for the services of any paying agent, in Federal Reserve funds of the United States of America at the office of the City Controller or at the office of one or more banks or trust companies designated by the original purchaser or original purchasers and situated in a city or cities in which is located a Federal Reserve Bank or branch thereof, provided all such designations, if any, shall be approved by the City Controller after determining that the designation of any such paying agent will not endanger the funds or securities of this City and that proper safeguards are available for such purpose.

SECTION 7. The City Controller is hereby authorized and directed to have the Warrants prepared, and the Mayor, City Controller, and City Clerk are hereby authorized and directed to execute and deliver the Warrants to the purchaser or purchasers and take all other actions required in connection therewith in accordance with this Ordinance.

SECTION 8. The City Controller shall sell the Warrants at public sale in the manner set forth herein in integral multiples of One Hundred Thousand Dollars (\$100,000), or such lesser multiples as the City Controller may designate. Prior to the sale of the Warrants, the City Controller shall cause to be published a notice of sale once each week for two consecutive weeks in the Fort Wayne News-Sentinel and in the Fort Wayne Journal-Gazette, the first of each of such publications to be not less than

fifteen days prior to the date fixed for the sale. In the discretion of the City Controller, the time warrants representing each issue herein authorized may be delivered at the same time or different times, pursuant to any agreement or understanding with respect to delivery by and between the City Controller and the original purchaser or purchasers of the Warrants.

SECTION 9. All proceeds of the sale of the Warrants shall be paid into the appropriate Fund of the City and shall be used only for the purposes for which the current tax revenues anticipated are levied, including the payment of the costs of issuing and servicing the Warrants.

SECTION 10. The levy by this City of the specific current taxes anticipated by the Warrants is hereby acknowledged, confirmed and ratified. Those taxes are in an aggregate amount at least sufficient to provide funds to retire the Warrants at their respective maturities. The proceeds of the current taxes anticipated are to be applied to the extent required and as provided in this Ordinance to the payment of the Warrants at their respective maturities and are hereby pledged and appropriated for that purpose.

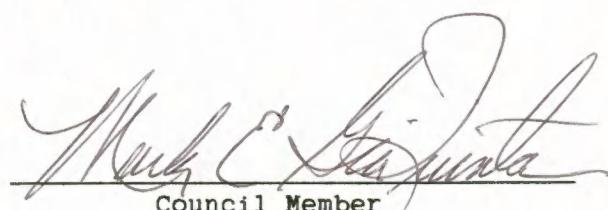
SECTION 11. The City hereby covenants that it will restrict the use of the proceeds of the Warrants in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time of the delivery of and payment for the Warrants, so that the Warrants will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986 and the applicable income tax regulations under that Section. The City Controller as the fiscal officer, or any other officer having responsibility for issuing the Warrants, is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer or employee of or consultant to the City, to give an appropriate certificate of the City, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the City regarding the amount and use of the proceeds of the Warrants and the facts and estimates on which they are based, all as of the date of delivery of and payment for the Warrants. The City covenants that it will take all actions that may be required of it for the interest on the Warrants to be and remain excluded from gross income for federal income tax purposes, and will not take any actions which would adversely affect such exclusions.

sion, under the provisions of federal tax laws that apply to the Warrants, including the provisions of the Internal Revenue Code of 1986 and applicable amendments thereto, and will, among other acts of compliance, apply the proceeds of the Warrants, restrict the yield on investments of, or on obligations acquired with, those proceeds, make timely rebate payments to the federal government, maintain books and records, and refrain from certain uses of the proceeds, all in such manner and if and to the extent necessary for the interest on the Warrants to continue to be and remain excluded from gross income for federal income taxation; and the City Controller and other appropriate officers are hereby authorized and directed to take any and all such actions, make such rebate payments and make or give such reports and certifications as may be appropriate to assure such exclusion of the interest.

SECTION 12. It is hereby found, determined and declared that all acts and conditions necessary to be done or to exist precedent to and in the issuing of the Warrants in order to make them legal, valid and binding special obligations of this City have been performed and exist, or will at the time of delivery of the Warrants have been performed and exist, in regular and due form as required by law; and that the amount of indebtedness to be incurred by the issuance of the Warrants does not exceed any limitation of indebtedness as fixed by law or the amount of borrowing permitted by Section 36-4-6-19 of the Indiana Code.

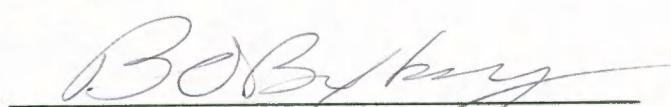
SECTION 13. All resolutions and ordinances of the City in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 14. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



Mark C. Hartung
Council Member

APPROVED AS TO FORM AND LEGALITY.



Bruce O. Boxberger, City Attorney
Dated this 22 day of December, 1986

Read the first time in full and on motion by GiaQuinta
 seconded by Stier, and duly adopted, read the second time
 by title and referred to the Committee Gentile (and the City
 Plan Commission for recommendation) and Public Hearing to be held after
 due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
 Indiana, on _____, the _____, 19_____, at _____ o'clock _____ M., E.

DATE: 12-23-86

Sandra E. Kennedy
 SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eustuk,
 seconded by Stier, and duly adopted, placed on its
 passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>—</u>	<u>—</u>	<u>1</u>	<u>—</u>
<u>BRADBURY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BURNS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>EISBART</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>HENRY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>REDD</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHMIDT</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>✓</u>	<u>—</u>
<u>STIER</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>TALARICO</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATE: 1-6-87

Sandra E. Kennedy
 SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXTION) (APPROPRIATION) (GENERAL)
 (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. J-01-87,
 on the 6th day of January, 1987.

ATTEST:

(SEAL)

Sandra E. Kennedy
 SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
 on the 7th day of January, 1987,
 at the hour of 8:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
 SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 7th day of January,
 1987, at the hour of 10⁰⁰ o'clock A. M., E.S.T.

Win Moses
 WIN MOSES, JR., MAYOR

SUSPENSION OF RULES

BILL NO. S-86-12-32

COUNCILMAN Eisbart MOVED TO SUSPEND THE RULES
FOR THE PASSAGE OF BILL NO. S-86-12-32, AT THE COMMON
COUNCIL MEETING OF THE CITY OF FORT WAYNE, INDIANA HELD ON THE
6th DAY OF January, 1987.
SAID MOTION WAS SECONDED BY COUNCILMAN Stier,
AND DULY PASSED BY UNANIMOUS VOTE OF ALL LEGALLY ELECTED MEMBERS OF
THE COMMON COUNCIL. THE ABOVE BILL NO. S-86-12-32
WAS THEN PLACED ON PASSAGE.

DATE: 1-6-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>0</u>		<u>1</u>	
BRADBURY	<u>✓</u>				
BURNS	<u>✓</u>				
EISBART	<u>✓</u>				
GIAQUINTA	<u>✓</u>				
HENRY	<u>✓</u>				
REDD	<u>✓</u>				
SCHMIDT	<u>✓</u>			<u>✓</u>	
STIER	<u>✓</u>				
TALARICO	<u>✓</u>				

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA ON 1-6-87, BILL NO. S-86-12-32.

ATTEST:

(SEAL)

DATED 1-6-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Date by Council for a special session
for final passage of S-86-12-321

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock _____.M.,E.S

DATE: 1-6-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>8</u>	<u>0</u>	_____	<u>1</u>	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	<u>✓</u>	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 1-6-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19_____,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19_____, at the hour of _____ o'clock _____.M.,E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19_____, at the hour of _____ o'clock _____.M.,E.S.T.

WIN MOSES, JR., MAYOR

CALL, CONSENT AND WAIVER OF NOTICE OF A SPECIAL
MEETING OF THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA TO BE HELD

WE, THE UNDERSIGNED, BEING ALL OF THE MEMBERS OF THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, DO HEREBY CALL A SPECIAL
MEETING OF SAID COUNCIL TO BE HELD ON _____,
AT _____ O'CLOCK _____, E.S.T., AND JOINTLY AND SEVERALLY
WAIVE NOTICE OF THE TIME, PLACE AND PURPOSE OF SAID MEETING AND CONSENT
THAT SAME BE HELD ON THE AFORESAID DATE FOR THE PURPOSE OF

DATED THIS _____

SANDRA E. KENNEDY, CITY CLERK

SEAL

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its

Special Session, held on Tuesday
the 6th day of January, 19 87,
that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 7th day of January, 19 87,

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

BILL NO. S-86-12-32

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) authorizing the City of Fort
Wayne to make temporary loans for the use of the General Fund, the
Park District Fund, the Police Pension fund, and Firemen's Pension Fund,
in the calendar year 1987 in anticipation of current taxes levied
in the 1986 and collectible in the year 1987; authorizing the
issuance of tax anticipation time warrants of the City to evidence
those loans, etc.

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION)

YES

NO

B. A. Eisbart BEN A. EISBART

J. S. Stier JAMES S. STIER

C. B. Redd CHARLES B. REDD

D. Schmidt DONALD J. SCHMIDT

S. J. Talarico SAMUEL J. TALARICO

CONCURRED IN _____
S. E. Kennedy SANDRA E. KENNEDY

CITY CLERK